

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 01 2006

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARSHALL CHARLES RICHMOND,

Defendant - Appellant.

No. 05-30243

D.C. No. CR-03-00370-KI

MEMORANDUM*

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

Appeal from the United States District Court
for the District of Oregon
Garr M. King, District Judge, Presiding

Argued and Submitted July 26, 2006
Portland, Oregon

Before: GOODWIN, REINHARDT, and GRABER, Circuit Judges.

The only question in this appeal is whether the trial court erred in rejecting as hearsay two documents the defense offered as evidence that another person was the possessor of the 22 grams of cocaine base charged against the defendant. The trial court committed no error because the documents were not shown to be

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trustworthy and thus did not satisfy any relevant hearsay exception. The judgment is

AFFIRMED.